

# PERSONNEL POLICY BOARD

## December 2, 2004

### MEETING

Meeting was held Thursday, December 2, 2004, Commissioners Hearing Room, County-City Building, Lincoln, Nebraska.

Members present: Bob Evnen, Ed Bryson, Doug McDaniel, Jim Haszard. Members absent: Sue Dedick, Helen Griffin. Personnel Department resource staff attending: Karen Eurich.

The meeting was opened at 1:35 p.m. by Chair Doug McDaniel.

It was moved by Bob Evnen and seconded by Jim Haszard to approve the minutes of the October 7, 2004 meeting. Motion unanimously carried.

Agenda Item 1 was the request for appeal hearing from Christine Downing, Corrections Department. Tom Fox represented the County. Gary Young of Keating, O’Gara, Davis and Nedved represented Christine Downing. The proceedings were recorded by Marcy Konzak of J.S. Wurm and Associates and are on file in that office. Eighteen exhibits were offered and accepted by the Board. Witnesses called: Deion Christophe, Don Brandt, Diane Rohrbough, Jane Voboril, Stephanie Pester, Virginia Prey, Michael Thurber, Christine Downing. In opening statements Gary Young distributed case law regarding “good cause” and asked that the Board not follow County Rule 4.8 (f) as it violates the State law and contradicts the F.O.P. labor contract by eliminating impartiality and “good cause” in reviewing disciplinary matters. He further asked the Board to make a specific ruling on his request. Chair Doug McDaniel denied Mr. Young’s request to not follow the County Rules. Following further discussion, Board member Bob Evnen suggested Gary Young submit information in writing to the Board regarding his objections to Rule 4.8 for their future review. Gary Young again asked that the Board not follow County Rule 4.8(f) and asked for a ruling from the Board. It was moved by Bob Evnen and seconded by Jim Haszard to overrule Mr. Young’s request to set aside Rule 4.8(f). Motion unanimously carried by roll call vote.

Tom Fox of the County Attorney’s Office asked the Board to sequester all witnesses for the length of the hearing. Chair Doug McDaniel granted this request. Board member Bob Evnen gave instructions to witnesses to not discuss the issue before or after their testimony with each other. After the testimony of all witnesses, it was moved by Bob Evnen and seconded by Jim Haszard to deny the appeal hearing. Discussion then took place regarding the authority of the Board to modify the discipline given. Tom Fox of the County Attorney’s office said the Board could not modify the action, they could only uphold or deny the action. Gary Young’s opinion to the Board was that they could modify the discipline given to the employee if they so wished. The Board asked Don Taute, Personnel Director, his opinion and he indicated he thought that the Board could modify the discipline given. Given the fact that not all parties agreed on the matter, the Board decided they did not have the authority to modify any discipline given without changes to the County Rules. Following discussion, voting no: Bob Evnen, Ed Bryson, Doug McDaniel,

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Jim Haszard. Motion failed. Following further discussion, it was moved by Jim Haszard and seconded by Ed Bryson to uphold the appeal and reverse the discipline imposed on the employee. Voting yes: Ed Bryson, Doug McDaniel, Jim Haszard. Voting no: Bob Evnen.

Agenda Item 2 was miscellaneous discussion. Karen Eurich of the Personnel Department informed the Board that all Personnel Board agendas, attachments and minutes will now be posted on the Personnel Department's website, and many hard copies would be eliminated from being sent out to internal employees and union presidents and attorneys. Karen Eurich informed the Board that they would continue to receive their hard copy packets as they always have in the past and just wanted to pass along this information to the Board. After discussion, the Board members present agreed to have their information sent to them online, as they would receive the information faster as long as they would be e-mailed the link to the Personnel website when the agenda was posted. Karen Eurich collected everyone's e-mail address and will provide the information for future meetings in this manner.

There being no further business, the meeting adjourned at 5:00 p.m.

The next regular scheduled meeting is tentatively set for Thursday, January 6, 2005.

Karen Eurich  
Personnel Operations Specialist

pc: Christine Downing